

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA	§	
Petitioner,	§	
v.	§	CIVIL ACTION NO. SA-20-CV-844
	§	
\$36,376.00, MORE OR LESS,	§	
IN UNITED STATES CURRENCY		
SEIZED ON OR ABOUT DECEMEBR		
20, 2019, IN SAN ANTONIO TEXAS		

Respondent

ANSWER OF JOSE ANTONIO REYES-GOMEZ

Comes now JOSE GOMEZ (hereinafter “Claimant”), and by way of answer to the Verified Complaint For Forfeiture of the United States of America, would show this Honorable Court as follows:

I. Nature of the Action

Claimant admits the United States has brought a forfeiture action seeking to forfeit 19211 \$36,376.00, in United States currency seized on or about December 20, 2019, in San Antonio Texas by the U.S. Customs and Border Patrol (hereinafter referred to as “Respondent Currency”). Claimant denies the United States is entitled to forfeiture.

II. Alleged Jurisdiction and Venue

Claimant admits that the this court has jurisdiction of a forfeiture action based on the Title 28 U.S.C. § 1345. Claimant admits that this court has *in rem* jurisdiction over the Respondent Currency pursuant to Title 28 U.S.C. §§ 1355(b) and 1395(b). Claimant admits that venue is proper pursuant to Title 28 U.S.C. § 1355(b)(1)(A). Claimant admits that the Respondent Currency was

seized in the Western District of Texas on December 20, 2019 and turned over to U.S. Customs and Border Protection. Claimant lacks the requisite knowledge concerning who maintained custody of the Respondent Currency after that point.

III. Statutory Basis for Forfeiture

Claimant admits this is an in rem action. Claimant denies that the respondent currency was used in violation of Title 31 U.S.C. § 5332(c)(1).

IV. Facts in Support of Violations

Claimant admits that he arrived at the San Antonio International Airport from Mexico City, Mexico on December 20, 2019. Claimant admits that he was carrying the respondent currency upon arrival. Claimant denies that he knowingly answered falsely concerning the amount of currency he was carrying with him upon arrival. Claimant denies that he knowingly answered falsely on the CBP Form 6059B, Customs Declaration, that he was provided upon entry. Claimant admits that his answer on the form concerning the respondent currency was incorrect, but that the entry was made by mistake. Claimant denies that it can reasonably be concluded that he knowingly made false statements or knowingly concealed the amount of currency he declared upon inspection.

V. Defenses and Affirmative Defenses

Defense 1

Claimant is an innocent owner of the Respondent Currency pursuant to 18 U.S.C. § 983(d).

Defense 2

Claimant did not knowingly make false statements or knowingly conceal the amount of currency he declared upon inspection.

Defense 3

Claimant asserts that forfeiture would violate the Excessive Fines Clause of the Eighth Amendment to the United States Constitution.

Defense 4

Claimant further asserts his defense pursuant to Rule G(8)(e) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure.

VI. Jury Demand

Claimant asserts his rights under the Seventh Amendment to the United States Constitution and demands, in accordance with Federal Rule of Procedure 38, a trial by jury on all issues.

VII. Prayer for Relief

For these reasons, Claimant asks the Court to enter judgment that Plaintiff take nothing, dismiss Plaintiff's suit with prejudice, assess court costs against Plaintiff, and award Claimant all other relief the Court deems appropriate.

Respectfully submitted,

LAW OFFICE OF CHAD VAN BRUNT
3030 Nacogdoches Rd.
Suite 222k
San Antonio, Texas 78217
P: 210-399-8669
F: 210-568-4927

LAW OFFICE OF THOMAS P. MOORE, PLLC
4040 Broadway
Suite 240
San Antonio, Texas 78209

By: /s/CHAD VAN BRUNT
Chad Van Brunt

State Bar No. 24070784

/s/THOMAS P. MOORE

Thomas P. Moore

State Bar. No. 14378320

Attorneys for Claimant

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the of the above Claim was electronically filed with the Clerk of this Honorable Court using the CM/ECF system which will send notification electronically to:

United States Attorney Antonio Franco, Jr.
601 N.W. Loop 410
Suite 600
San Antonio, Texas 78216

Signed on this 30th day of October 2020.

/s/ Chad Van Brunt
CHAD VAN BRUNT